

*Document 2***SUMMARY OF SUBSTANTIVE SUBMISSIONS TO WORKING GROUP 2
FROM NON-CODESA ORGANISATIONS AND INDIVIDUALS****1 Cape Town City Council:**

- 1.1 The balance between Central, Regional and Local Government.
- 1.2 The establishment of a separate Working Group to investigate and report on future local government structures.
- 1.3 Important issues relevant to the future of local government should be identified and the advantages and disadvantages of various options analysed and evaluated. (The proposals of the City Council in this regard were not received.)

2 Small Business Development Corporation:

- 2.1 Economic Freedom, Governmental Intervention and Economic Systems.
- 2.2 The importance of small and medium-sized enterprises.
- 2.3 Of approximately 800 000 formal business entities in South Africa, an estimated 91 per cent or 720 000, can be classified as small and medium-sized enterprises (SME). However, their political influence is not remotely commensurate with the importance of their economic contribution. By contrast, large businesses have a considerable influence on official policy and thus gain much more from subsidies and other government incentives.

More business leaders and policy makers are turning to the SME sector for solutions to unemployment, poverty, and social unrest. Unfortunately SME development does not have a high priority in the development strategies and policies of the present government. Specific programmes of action which must foster an enabling environment should be taken into account.

3 Magyar, K.P:

- 3.1 The Balance between Central, Regional and Local Government.
- 3.2 Confederal integration: An economic base for a new dispensation.
- 3.3 While the government has redesigned the constitutional system, a major omission is the absence of radically redesigned economic relationships. The system of confederal integration is offered as a fall-back option should the reforms prepared by the government prove to be inadequate. The confederal option includes South Africa, existing independent homelands, other homelands to be developed as independent units and any combination that emerges from the negotiation process, such as a multi-racial Natal.

4 Kohne, F.R:

- 4.1 The Balance between Central, Regional and Local Government.
- 4.2 General outline of a proposed new dispensation for South Africa.
- 4.3 Kohne proposes self-governing portfolios within a four-house parliament in a democratic non-party system. This system should extend the individual's participation in government by giving him a multiple vote. Government would be formed by consensus in a so-called canton system. Elections would be conducted, using a high degree qualified voters roll, based on a representation of group interests, categorized as Regional, Cultural, Vocational and Protocol interests. These would form the four houses of Parliament.

5 South African Institute for Librarianship and Information Service:

- 5.1 Charter of Fundamental Rights.
- 5.2 Codesa should make use of libraries and also promote the use and support of libraries.
- 5.3 There are over one thousand public library service points distributed throughout South Africa. They provide invaluable support for formal education programmes and, if mobilized in support of programmes of literacy training, community education

and development, have enormous potential as sources of non-formal and informal education. Libraries also offer a neutral infrastructure for the dissemination of information about Codesa and for the creation of a climate of mutual understanding and tolerance.

6 **Women for Peace:**

- 6.1 Charter of Fundamental Rights.
- 6.2 Women should be present at the negotiating table.
- 6.3 In South Africa women make up at least 63 per cent of the population. The future of South Africa cannot possibly be determined without the role and support of women at the negotiating table. A Bill of Rights should be appended to the new Constitution as an annexure to the clause relating to gender equality.

7 **Donen, V:**

- 7.1 The Balance between Central, Regional and Local Government.
- 7.2 The New SA should be based on the USA (i.e. a "United States of SA").
- 7.3 South Africa should be divided into various "self governing areas such as the Eastern and Western Cape, and North, South, West and Eastern Natal. Each of these self governing areas should be represented by a senator. These self governing areas should furthermore be included in different states, such as the North, South, East and Western states of South Africa.

8 **Groundswell:**

- 8.1 The Balance between Central, Regional and Local Government.
- 8.2 The success of constitutional democracies depends on the existence of effective checks and balances.
- 8.3 Groundswell discusses constitutional principles of Swiss and American constitutions and has suggested that South Africa be divided into numerous regions (certainly more than twenty) for the purpose of regional and local government. Numerous

regional and local governments accommodate diversity better than few, and there would also be less cause for conflict.

9 Down Syndrome Forum:

- 9.1 Charter of Fundamental Rights.
- 9.2 The concern is that the special needs of the mentally handicapped may not be met in a new constitution for a future South Africa.
- 9.3 In order to ensure that the special needs of the mentally disabled/handicapped would not be overlooked or grossly minimised in relation to the needs of disabled people, a separate Charter of Rights for the mentally handicapped should be enshrined in a new political dispensation. (This organisation also want to attend discussions on this matter within a working group at Codesa.)

10 Interchange Foundation:

- 10.1 Charter of Fundamental Rights.
- 10.2 Educating people, especially the youth, in non-formal endeavours.
- 10.3 Many of South Africa's needs can be met by educating people, concentrating on educating non-formally with community involvement. An immediate requirement to accomplish this is the training of potential counsellors for non-formal education within a community context.

11 Ruiterraad:

- 11.1 The Balance Between Central, Regional and Local Government.
Meaningful Participation of Political Minorities.
Economic Freedom, Governmental Intervention and Economic System.
The Bill/ Charter of Fundamental Rights.
- 11.2 Conditions for interim government.
- 11.3 The creation of a democratic dispensation in which the individual rights of every South African could be protected as well as the effective participation of all South Africans at all levels of government.

12 Gay Association of Inland Natal:

- 12.1 Charter of Fundamental Rights.
- 12.2 The recognition and protection of gay rights.
- 12.3 The inclusion in a new Constitution or Bill of Rights of provisions which prohibit discrimination against any South African citizen on the basis of any inherent characteristic which poses no threat to anyone else.

13 Conscientious Objector Support Group:

- 13.1 Charter of Fundamental Rights.
- 13.2 The Protection of the rights of conscientious objectors.
- 13.3 The right to conscientious objection should be written into a new Constitution. Furthermore, no person should be forced to perform military service against the dictates of his or her conscience.

14 The Foundation for World Spiritual Unity:

- 14.1 Meaningful Participation of Political Minorities.
- 14.2 A proportional vote system.
- 14.3 A vote system where each "body" (formal representative group/party) has equal say and where there is no majority or minority vote. This means that each member of each party has the right to vote (on an issue, or for a representative/leader) and that the results for each party be drawn up in percentages. Each percentage would then be taken into account with respect to the total outcome.

15 Gay and Lesbian Organisation of the Witwatersrand:

- 15.1 Charter of Fundamental Rights.
- 15.2 The inclusion of lesbian and gay rights in a New Constitution.
- 15.3 A new South African Constitution or Bill of Rights should include a clause expressly forbidding discrimination against people on the basis of their sexual orientation. Furthermore, legal provisions which discriminate against lesbians, gay men and bisexuals should be repealed.

16 Federation of SA Cultural Organisations:

- 16.1 Charter of Fundamental Rights.
- 16.2 A national cultural policy for the development of the arts and culture in a Democratic South Africa.
- 16.3 The country's Constitution must guarantee that the state has the responsibility to ensure that every individual, regardless of his/her race, class or creed, be given the opportunity to develop his/her creative potential to the full. An Independent Arts Foundation should also be established and such a body should be provided with the necessary funds to promote the arts and diverse cultural practices in the country.

17 Barnardt, N:

- 17.1 Economic Freedom, Governmental Intervention and Economic Systems.
- 17.2 A new South African Constitution (transitional or permanent) should include an economic dimension.
- 17.3 The constitutional safeguards of political freedom, competition, democracy and equity should be matched by accompanying safeguards on economic freedom, competition, democracy and equity. In particular, the Constitution should set an explicit framework of a market-related economic system in which free enterprise, free competition, democratic decision-making and economic equity and justice are enshrined as ideals to guide day-to-day government policy.

18 Association of Directors of National Collections:

- 18.1 Charter of Fundamental Rights.
- 18.2 The promotion of a national culture.
- 18.3 The cultural heritage of all South Africans should be entrenched in a new Constitution.

19 Natal Library and Information Workers' Organisation; Cape Library and Information Workers' Organisation; Natal Resource Centre Forum; Inter Resource Forum:

- 19.1 Charter of Fundamental Rights.
- 19.2 Information must be freely available to all people of South Africa, in order to empower and develop communities for democracy and an improved quality of life.
- 19.3 In order to create a climate for free political participation, rights such as the right to be informed, the right of access to government archives, the right to participate in the free and equal exchange of information should be enshrined in a new constitution.

20 Civil Rights League:

- 20.1 The Balance Between Central, Regional & Local Government.
- 20.2 Routes to democracy in the new South Africa.
- 20.3 Within a complex society like South Africa's, the creation of a system under which parties see the merit of entering into electoral coalitions with each other, and try to build up their voting strength by working for second-preference votes from the supporters of other parties, is essential.

21 The National Spiritual Assembly of the Bahá'is of South Africa:

- 21.1 Charter of Fundamental Rights.
The Balance Between Central, Regional & Local Government
- 21.2 The general rights of mankind must be guarded and preserved.
- 21.3 To ensure the orderly continuity of social life and to encourage the collective realisation of humanity's latent endowments, governments are formed, maintaining their authority and capacity to canalise the flow of civilisation by upholding the principles of justice. Fundamental to all progress in human affairs is man's right to a just government. Moreover, the general rights of mankind should be guarded and preserved.

22 Hillman, L:

- 22.1 The Bill/Charter of Fundamental Rights.
- 22.2 The right to keep and bear arms should be enshrined in a Bill of Rights.

22.3 Amendment 2 of the Constitution of the United States enshrines the right of people to bear arms. Such a article should be included in a South African Bill of Rights.

23 Kriel, J:

23.1 The Balance Between Central, Regional & Local Government.

23.2 The necessity of a federal system of government.

23.3 A Federation of South Africa, comprised of as many states as are deemed necessary and arrived at through consultation, is necessary. In this regard, maximum self government of constituent states, as well as clearly demarcated and entrenched limitations on the powers of central government, is the best way to handle the specific needs of a culturally diverse population.

24 Joyner, F.M:

24.1 Economic Freedom, Governmental Intervention and Economic Systems.

24.2 Any national economy is dependent on the universal and reciprocal productivity of all its people.

24.3 A clause, reading that the given strength of any national economy is totally dependent on the universal and reciprocal productivity of all its people, should be inserted in a future Constitution.

25 Hoffenburg, A:

25.1 The Balance Between Central, Regional and Local Government.

Accommodation of the diversity of languages, cultures and religions.

25.2 Examples of Bills of Rights and laws outlining the right to initiate a referendum.

25.3 A Constitution of Liberty and Democracy should be installed. One tyranny must therefore not replace another. There can be no real democracy without trial by jury, the right to initiate and the right to referendum. This is what "the people shall govern" actually means.

26 Toffar, Sheik A.K:

- 26.1 Accommodation of the Diversity of Languages, Cultures and Religions.
- 26.2 The protection of Muslims' rights in a new dispensation.
- 26.3 The Muslim community has in the past been in a strongly disadvantaged position. Currently, there are issues in the proposed new order for South Africa which are in conformity with Islam and its values, but there are also some which are against it in varying degrees. The latter should be addressed in working out a new dispensation.

27 Transvaal Christian Action:

- 27.1 Accommodation of the Diversity of Languages, Cultures and Religions.
- 27.2 Matters regarding the protection of Christians' rights in a new dispensation.
- 27.3 Seeing that 77 per cent of the population have been registered as Christians, the Christian view are an important one in South Africa. In this regard a basic Christian concept of the law (with a Christian interpretation) is advocated for - in contrast to a humanistic interpretation.

28 Brooks, D:

- 28.1 Charter of Fundamental Rights.
Meaningful Participation of Political Minorities.
The Bill/Charter of Fundamental Rights.
- 28.2 Constitutional options for a new South Africa.
- 28.3 An ideal government must be democratic to prevent the sort of oppression that has characterised South African history. This does not mean that everything must be determined by a majority vote. A Constitution should lay down checks and balances and while it is absolutely essential that the majority view should be expressed, this should also be balanced by other forces within the constitution.

29 Mansfield, P:

29.1 The Balance Between Central, Regional and Local Government.

29.2 The KwaZulu/Natal Indaba's constitutional proposals revisited.

29.3 There are still many untapped ideas of value contained in the KwaZulu/Natal Indaba proposals that may yet find their way into South Africa's new constitution and the accompanying new rules of the political game. Among these are the more detailed workings and desirable consequences of the Indaba's constituency-based system of proportional representation. There are also aspects of the workings of the Indaba's proposed legislature and executive, and other checks and balances.